

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: CHANG, Jui Lin

SERIAL NO.: 10/779,307

ART UNIT: 3722

FILED: February 17, 2004

EXAMINER: Carter, Monica Smith

TITLE: FOLDER

AMENDMENT "A"

Director of the U.S. Patent
and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of August 12, 2004, having a response being due by November 14, 2004, please consider the following remarks:

REMARKS

Upon entry of the present amendments, previous Claims 1 - 4 have been canceled and new Claims 5 - 7 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of distinguishing the present invention from the prior art.

In the Office Action, it was indicated that Claims 1 - 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Piscioti patent in view of the Wien patent.

As an overview to the present reply, Applicant has extensively amended the language of original Claims 1 - 4 in the form of new Claims 5 - 7. New Claims 5 - 7 express the original

limitations in a more proper U.S. format, including proper antecedent bases and proper structural interrelationships throughout. Any indefinite terminology found in the original claim language has been corrected herein. The new claims also express the limitations of the present invention so as to distinguish the present invention from the prior art. Specifically, the new claims recite that each of the folding panels has “a grip hole formed entirely through the layers”. It is also indicated that the grip hole of one folding panel is aligned with the grip hole of another folding panel when the folding panels are folded over each other. It is further indicated that the folding panel has “no fold lines” adjacent the grip hole nor interposed between the fold line and the grip hole. It is also indicated that each of the folding panels has “a hanging hole”. Additionally, it is recited that “the hanging hole of one panel is aligned with the hanging hole of another folding panel when the folding panels are folded over each other”. Additionally, independent Claim 5 further recites that the inner and outer layers are “plastic layers” and that the middle layer is of a “foamed polymeric material”. Applicant respectfully contends that these features are neither shown nor suggested in prior art patents.

In the prior art Piscioti patent, a folder is provided which has a ring binder on the interior thereof. The board of this folder has fold lines formed thereon. Relative to independent Claim 5, it can be seen that the Piscioti patent does describe a folder having handles formed therein. However, in the Piscioti patent, these handles are separated from the fold lines by their own fold lines. This is accomplished so that the handles can be folded inwardly so as to reside in surface-to-surface relationship with the inner surface of one of the folding panels. The Piscioti patent does not describe separate hanging holes formed through each of the folding panels. Additionally, and furthermore, the Piscioti patent fails to disclose the multi-layer configuration of the present

invention. As such, the hangability, gripability and lightweight features of the present invention are neither shown nor described in the Piscioti patent.

The prior art Wien patent also disclose a notebook binder. It is to be noted that the Wien patent does describe a two-layer configuration. However, it appears that the outer covers of the Wien patent are actually formed of a fabric material. The Wien patent fails to disclose the use of the “hanging holes” or the “grip holes”.

Fundamentally, there is no teaching in either of the Piscioti or Wien patents as to why the references should be combined. Applicant respectfully contends that the combination of these prior art references would be mere hindsight analysis. Fundamentally, the combination of the Wien and Piscioti patents would not suggest the use of the gripping holes as being formed directly in each of the folding panels. The combination of the Piscioti and Wien patents would require that the grip holes be separated by a separate fold line from the folding panels. Additionally, neither of the prior art patents would suggest the “hanging holes”. As such, the prior art combination would not achieve the benefit of gripability, hangability, and lightweight, as taught and claimed by independent Claim 5 herein.

Dependent Claim 6 and 7 correspond to the limitations of original dependent Claims 2 and 3. Applicant has canceled the limitations of dependent Claim 4 herein in view of the incorporation of the limitation of Claim 4 into new independent Claim 5.

Based upon the foregoing analysis, Applicant contends that independent Claim 5 is now in proper condition for allowance. Additionally, those claims which are dependent upon Claim 5 should also be in condition for allowance. Reconsideration of the rejections and allowance of the

claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

Date

10-19-04



John S. Egbert

Reg. No. 30,627

Andrew W. Chu

Reg. No. 46,625

Attorney for Applicant

Harrison & Egbert

412 Main Street, 7th Floor

Houston, Texas 77002

(713)224-8080

(713)223-4873 fax